



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/539,453

05/01/2006

Lothar Dittmer

2002P01596WOUS

8061

46726

7590

06/05/2009

BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
100 BOSCH BOULEVARD  
NEW BERN, NC 28562

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

06/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,453

**Applicant(s)**

DITTMER ET AL.

**Examiner**

Stephen M. Gravini

**Art Unit**

3743

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-24, 30 and 48-59 is/are pending in the application.
- 4a) Of the above claim(s) 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-24, 30 and 48-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 18-24, 30, 55-56, and 58, drawn to a combination apparatus classified in class 34 subclass 535.

Group II, claims 48-54 and 57, drawn to a subcombination apparatus classified in class 34 subclass 542.

Group III, claim 59 drawn to a subcombination apparatus classified in class 34 subclass 602.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Inventions of group I and group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because independently claimed subcombination group II feature of electrode of a moisture sensor is not a limitation in the independently claimed combination group I invention.

The subcombination has separate utility such as being used for a laundry dryer heat reduction means whereas the group I invention could be used for sensing wetness, moisture, or humidity.

Inventions of group I and group III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because independently claimed subcombination group III feature a first electrode and an exposed side arrangement, the exposed side arrangement including a second electrode, the second electrode having an exposed side that is exposed to laundry receiving area to an extent that the second electrode is contact by a moist air mixture in the laundry receiving area to an extent that the second electrode is contact a by a moist air mixture in the laundry receiving area, the device being operable to apply a voltage to a first the electrode and the second electrode of the exposed side arrangement that results in a current passing through laundry retained in the laundry receiving area which is not a limitation in the independently claimed combination group I invention. The subcombination has separate utility such as being used for a drum dryer airflow means whereas the group I invention could be used for a laundry cooling means.

Inventions of group II and group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not

overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination of independently claimed group III has separate utility such as being for use in a drum dryer with air flow which is not a limitation in the group II invention. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention.**

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Newly submitted claim 59 is directed to an invention that is independent or distinct from the invention originally claimed for the reasons set forth above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 59 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Groups I and II will be examined together.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 18-24 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Horecky (US 2,820,304). Claims using the means plus function language are construed and applicants' intention to invoke the sixth paragraph of 35 USC 112 because the means for language is used modified by functional language and not modified by sufficient material, acts, or steps. The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Horecky, since the face of that reference discloses each of the claimed features.

Claims 48, 51, and 54 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Finnegan (US 3,266,167). The claims are reasonably and broadly

construed, in light of the accompanying specification, as being disclosed by Finnegan, since the face of that reference discloses each of the claimed features.

***Claim Rejections - 35 USC § 103***

Claims 49-50, 52-53, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan. Finnegan discloses the claimed invention, as rejected above, except for the claimed inside cooler, cooler opening, plurality of openings, or outside flow. It would have been an obvious matter of design choice to recite those features, since the teachings of Finnegan, would perform the invention as claimed, regardless of the claimed inside cooler, cooler opening, plurality of openings, or outside flow.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan in view of Turetta et al. (US 5,228,212). Finnegan discloses the claimed invention, as rejected above, except for the claimed first and second fans and condenser. Turetta, another device for a laundry dryer, discloses those features at column 3 lines 6-24 and column 5 line 67 through column 6 line 4. It would have been obvious to one skilled in the art to combine the teachings of Finnegan with first and second fans and condenser, as disclosed in Turetta, for the purpose of optimizing means of removing undesirable heat in a laundry drying operation with a dual fan operating system.

Claims 55-56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horecky. Horecky discloses the claimed invention, as rejected above, except for



the claimed voltage arrangement, air mixture, or relative rotation mount. It would have been an obvious matter of design choice to recite those features, since the teachings of Horecky, would perform the invention as claimed, regardless of the claimed voltage arrangement, air mixture, or relative rotation mount.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18-24, 30, and 48-54 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

Prior art references cited with this action contain one or more elements of the claimed invention, but are not relied upon in rejecting the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/  
Primary Examiner, Art Unit 3743